

## Federal Maritime Commission

## § 535.706

(i) *Confidentiality.* (1) The Monitoring Reports, minutes, and any other additional information submitted for a particular agreement will be exempt from disclosure under 5 U.S.C. 552, except to the extent:

(i) It is relevant to an administrative or judicial action or proceeding; or

(ii) It is disclosed to either body of Congress or to a duly authorized committee or subcommittee of Congress.

(2) Parties may voluntarily disclose or make Monitoring Reports, minutes or any other additional information publicly available. The Commission must be promptly informed of any such voluntary disclosure.

[49 FR 45431, Nov. 15, 1984, as amended at 59 FR 67231, Dec. 29, 1994; 61 FR 11576, Mar. 21, 1996; 61 FR 40530, Aug. 5, 1996]

### § 535.702 Agreements subject to Monitoring Report requirements.

(a) Agreements subject to the Monitoring Report requirements of this subpart are divided into three classes, Class A, Class B and Class C. When used in this subpart:

(1) *Class A agreement* means an agreement that is subject to the definition set forth in § 535.502(a) and has market shares of 50 percent or more in half or more of its sub-trades.

(2) *Class B agreement* means an agreement that is subject to the definition set forth in § 535.502(a) but does not have market shares of 50 percent or more in half or more of its sub-trades.

(b) Classification of an agreement as “Class A” or “Class B” for purposes of its reporting obligations under this subpart shall be done by the Bureau of Economics and Agreement Analysis, based in the first instance on the market share data reported on the agreement’s Information Form pursuant to § 535.503, or on similar data otherwise obtained. Thereafter, before the beginning of each calendar year, the Bureau of Economics and Agreement Analysis shall determine whether the agreement should be classified as “Class A” or “Class B” for that year, based on the market share data reported on the agreement’s quarterly Monitoring Report for the previous second quarter (April–June).

(c) *Class C agreement* means an agreement that is subject to the definition set forth in § 535.502(b).

[61 FR 11576, Mar. 21, 1996, as amended at 61 FR 40531, Aug. 5, 1996]

### § 535.703 Monitoring report for Class A agreements.

The Monitoring Report form for Class A agreements, with accompanying instructions that are intended to facilitate the completion of the Report, is set forth in appendix C of this part. The instructions should be read in conjunction with the Shipping Act of 1984 and with 46 CFR part 535.

[61 FR 11577, Mar. 21, 1996]

### § 535.704 Monitoring report for Class B agreements.

The Monitoring Report form for Class B agreements, with accompanying instructions that are intended to facilitate the completion of the Report, is set forth in appendix D of this part. The instructions should be read in conjunction with the Shipping Act of 1984 and with 46 CFR part 535.

[61 FR 11577, Mar. 21, 1996]

### § 535.705 Monitoring report for Class C agreements.

The Monitoring Report form for Class C agreements, with accompanying instructions that are intended to facilitate the completion of the Report, is set forth in appendix E of this part. The explanation and instructions should be read in conjunction with the Shipping Act of 1984 and 46 CFR part 535.

[61 FR 11577, Mar. 21, 1996]

### § 535.706 Filing of minutes—including shippers’ requests and complaints, and consultations.

(a) *Meetings.* For purposes of this subpart, the term *meeting* shall include any meeting of the parties to the agreement, including meetings of their agents, principals, owners, committees, or subcommittees of the parties authorized to take final action on behalf of the parties. Where the agreement so authorizes, this includes final action by telephonic or personal polls of the membership.